

Detailed Action

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/29/08 has been entered.

In response to the Final Office Action dated 10/29/2007, applicants' filed an RCE received on 04/28/08 is acknowledged. Said RCE amended claims 5, 39-42, 46, 50, 51 and 53-56. Claims 5, 39-51 and 53-58 are pending and are under consideration for examination in the instant Office Action.

Applicants' amendments and arguments filed on 04/28/08 have been fully considered and are deemed to be persuasive to overcome the rejections previously applied. Rejections and/or objections not reiterated from previous office action are hereby withdrawn.

Examiner's Amendment

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it must be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview and a Fax with amendments by Jane Shershenovich on 05/28/2008. The application has been amended as follows:

In the Claims

Cancel claims 41, 42 and 50-55.

Claim 5: Line 7, delete “.” and replace with “and culturing said *Xanthomonas campestris* strain.”

Claim 39: delete Lines 7-10 and replace with “selectively increasing the amount of the gene products of *gumD*, *gumE*, *gumF* and *gumG* in said *Xanthomonas campestris* strain and culturing said *Xanthomonas campestris* strain, whereby a higher viscosity xanthan polymer preparation is produced by the culture.”

Claim 56: Line 1 delete “50” and replace with “5”

Line 2 delete “carries” and replace with “comprises”

Line 3 delete “carry” and replace with “comprise”

Claim 57: Line 1 delete “50” and replace with “5”

Claim 58: Line 1 delete “50” and replace with “5”

Allowable Subject Matter

Claims 5, 39, 40, 43-49 and 56-58 are allowed.

The following is an examiner's statement of reasons for allowance:

Previous rejection of claims 5 and 39-51 and 53-58 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hassler et al., (1990), Becker et al., (1998), Katzen et al., (1998) and further in view of Feinbaum R (1998) is being withdrawn as applicants' have persuasively argued and pointed out that specific modification of a wild-type *Xanthomonas campestris* strain wherein *gumB* and *gumC* are amplified in tandem and not the other xanthan biosynthetic pathway genes such as *gumD*, *gumE*, *gumF* and *gumG* is not obvious as this combination of amplification of wild-type *gumB* and *gumC* gene products in tandem is required for the successful production of xanthan composition of required molecular lengths.

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Furthermore, as pointed out by the applicants', the exact biochemical steps catalyzed by the xanthan biosynthetic pathway genes especially *gumD*, *gumE*, *gumF* and *gumG* were not known at the time of the invention and there is no clear suggestion or motivation or expectation of success to be found in the prior art. Thus, the instant invention would not have been obvious to a skilled artisan to choose the specific modifications to a wild-type *Xanthomonas campestris* strain as required by the instant invention.

All elected claims, are limited to a method of producing xanthan composition having increased length of xanthan chains/polymers in a *Xanthomonas campestris* strain wherein in said strain the amount of gene product of wild type *gumB* and wild type *gumC* are amplified selectively in tandem without amplifying *orfX*, *gumD*, *gumE*, *gumF* and *gumG*, and said invention is free of prior art. The utility of the *Xanthomonas campestris* strain wherein in said strain, the amount of gene product of wild type *gumB* and wild type *gumC* are amplified selectively in tandem without amplifying *orfX*, *gumD*, *gumE*, *gumF* and *gumG* and the production of xanthan polymers is credible based on the isolation of xanthans with increased intrinsic viscosity and other desirable properties. Said xanthan polymers have real world utility and can be used in a number of industrial applications and food industry.

Any comments considered necessary by applicant must be submitted no later than the payment of issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ganapathirama Raghu whose telephone number is 571-272-4533. The examiner can normally be reached between 8 am-4: 30 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat Nashed can be

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reached on 571-272-0934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of the application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ganapathirama Raghu, Ph.D.
Patent Examiner
Art Unit 1652
May 28, 2008.

/Rebecca E. Prouty/
Primary Examiner,
Art Unit 1652